

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYRONE L. JACKSON,

Petitioner

- against -

RONALD W. MOSCICKI,

Respondent.

99 Civ. 2427 (JGK)

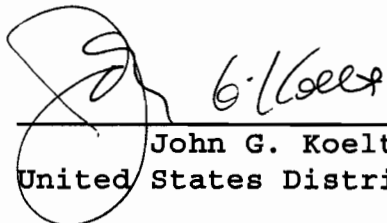
MEMORANDUM OPINION
AND ORDER

JOHN G. KOELTL, District Judge:

On August 21, 2008, the Court denied the petitioner's motion pursuant to Fed. R. Civ. P. 60(b)(4) and (6) to vacate this Court's judgment entered on May 2, 2000 denying his petitions for habeas corpus pursuant to 28 U.S.C. § 2254. A certificate of appealability is required to appeal a district court's denial of a Rule 60(b) motion when the underlying judgment is the denial of a § 2254 petition. Kellogg v. Strack, 269 F.3d 100, 102 (2d Cir. 2001). The Court declines to issue a certificate of appealability because the petitioner has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

SO ORDERED.

Dated: New York, New York
February 6, 2009



John G. Koeltl
United States District Judge

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